

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **MEDICAL SYSTEM AND METHOD FOR REMODELING AN EXTRAVASCULAR TISSUE STRUCTURE**; the specification of which was filed on **January 30, 2002** as Application Serial No. **10/066,302**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: **60/265,995**

Filing Date: **February 1, 2001**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Applications

Application No.: **09/774,869**

Filing Date: **January 30, 2001**

Status: **Pending**

Application No.: **09/494,233**

Filing Date: **January 31, 2000**

Status: **Pending**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Randall T. Lashinski**

Inventor's signature

Date 6-7-02

Residence: **675 Pleasant Avenue, Santa Rosa, CA 95403**

Citizenship: **United States**

Post Office Address: **Same as above**

Full name of second inventor: **Matthew J. Birdsall**

Inventor's signature 

Date 6/7/02

Residence: **United States**

Citizenship: **4012 Polled Hereford Drive, Santa Rosa, CA 95404**

Post Office Address: **Same as above**

Full name of third inventor: **Michael D. Lesh, M.D.**

Inventor's signature _____

Date _____

Residence: **301 Monte Vista, Mill Valley, CA 94941**

Citizenship: **United States**

Post Office Address: **Same as above**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

Page 2

Attorney's Docket No. MITRAL.001CP2

Date _____

Residence: **675 Pleasant Avenue, Santa Rosa, CA 95403**

Citizenship: **United States**

Post Office Address: **Same as above**

Full name of second inventor: **Matthew J. Birdsall**

Inventor's signature _____

Date _____

Residence: **United States**

Citizenship: **4012 Polled Hereford Drive, Santa Rosa, CA 95404**

Post Office Address: **Same as above**

Full name of third inventor: **Michael D. Lesh, M.D.**

Inventor's signature  _____

Date 6/5/02 _____

Residence: **301 Monte Vista, Mill Valley, CA 94941**

Citizenship: **United States**

Post Office Address: **Same as above**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

Application No.: 10/066,302
Filing Date: January 30, 2002

COPY

PATENT
Client Code: MITRAL.001CP2
Page 1

ASSIGNMENT

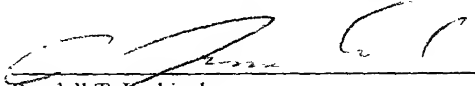
WHEREAS, We, Randall T. Lashinski, a United States citizen, residing at 675 Pleasant Avenue, Santa Rosa, CA 95403, Matthew J. Birdsall, a United States citizen, residing at 4012 Polled Hereford Drive, Santa Rosa, CA 95404; Michael D. Lesh, M.D., a United States citizen, residing at 301 Monte Vista, Mill Valley, CA 94941, have invented certain new and useful improvements in a MEDICAL SYSTEM AND METHOD FOR REMODELING AN EXTRAVASCULAR TISSUE STRUCTURE for which we have filed an application for Letters Patent in the United States, Application No. 10/066,302 filed January 30, 2002;

AND WHEREAS, MITRALIFE (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 355 Tesconi Circle, Santa Rosa, CA 95401, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 7 day of June, 2002

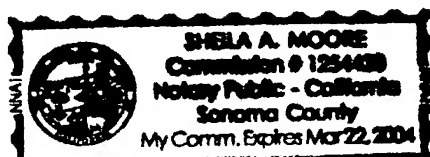

Randall T. Lashinski

STATE OF California }
COUNTY OF Sanoma } ss.

On 6/7/02, before me, Sheila A. Moore, personally appeared Randall T. Lashinski personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Sheila A. Moore
Notary Signature

Application No.: 10/066,302
 Filing Date: January 30, 2002

Chent Code: MITRAL.001CP2
 Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 7th day of June, 2002

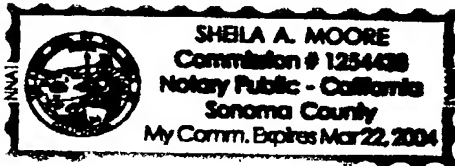
Matthew J. Birdsall
 Matthew J. Birdsall

STATE OF California }
 COUNTY OF Sonoma } ss.

On 6/7/02, before me, Sheila A. Moore, personally appeared Matthew J. Birdsall personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Sheila A. Moore
 Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 20__.

Michael D. Lesh, M.D.
 Michael D. Lesh, M.D.

STATE OF _____ }
 COUNTY OF _____ } ss.

On _____, before me, _____, personally appeared Michael D. Lesh, M.D. personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

 Notary Signature

Application No.: 10/066,302
Filing Date: January 30, 2002

PATENT
Client Code: MITRAL.001CP2
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this _____ day of _____, 20__.

Matthew J. Birdsall

STATE OF

COUNTY OF

ss.

On _____, before me, _____, personally appeared Matthew J. Birdsall personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of June, 2002

Michael D. Lesh, M.D.

STATE OF

COUNTY OF

California

Santa Clara

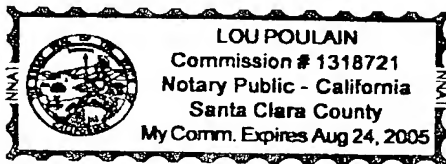
ss.

On June 5, 2002, before me, Lou Poulain, personally appeared Michael D. Lesh, M.D. personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Randall T. Lashinski et al.)
)
 App. No. : 10/066,302)
)
 Filed : January 30, 2002)
)
 For : MEDICAL SYSTEM AND METHOD)
 FOR REMODELING AN EXTRA-)
 VASCULAR TISSUE STRUCTURE)
)
 Examiner : Unknown)
)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

United States Patent and Trademark Office
 P.O. Box 2327
 Arlington, VA 22202

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and

App. No. : 10/066,302
Filed : January 30, 2002

revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

MITRALIFE

Dated: 6-7-02

By: 
Randall T. Lashinski

Title: Vice President, Research & Development

Address: 355 Tesconi Circle
Santa Rosa, CA 95401

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